



DALE M. VOLKER
99TH DISTRICT
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COMMITTEE ON CODES
VICE CHAIRMAN
MAJORITY CONFERENCE

THE SENATE
STATE OF NEW YORK
ALBANY 12247

October 21, 2003

PLEASE RESPOND
□ ALBANY OFFICE
ROOM 427
CAPITOL
ALBANY, NEW YORK 12247
518-455-3471
□ DISTRICT OFFICE:
4229 TRANSIT ROAD, SUITE 5
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DEPEW, NEW YORK 14041-4880
716-656-8344
□ DISTRICT OFFICE:
143 NORTH MAIN STREET
ROOM 101
WARSAW, NEW YORK 14569
361-785-5048

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Support for the Consensus Plan for 800 MHz Realignment Ex Parte,**
WT Docket No. 02-55

Dear Ms. Dortch:

The State of New York operates an 800 MHz trunked radio system providing critical public safety communications for police, fire and emergency personnel. We are actively following this vital proceeding for public safety and request that our views be considered.

First responders in New York State and across the Nation are increasingly at risk because their public safety radio communications are vulnerable to interference from cellular phones. As cellular usage increases, the risk of garbled or blocked police, fire and other public safety communications increases. First responders also urgently need more 800 MHz spectrum to have "interoperable" communications among police and firefighters and among neighboring jurisdictions. Fortunately, a solution is available.

The Federal Communications Commission has before it a "Consensus Plan" that would address cellular/public safety radio interference problems and provide more of the spectrum that first responders urgently need for radio communications. We support the Consensus Plan along with the Association of Public-Safety Communications Officials-International, Inc., the International Association of Fire Chiefs, Inc. and International Municipal Signal Association, the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Major County Sheriffs' Association, and the National Sheriffs' Association. The FCC must adopt the Consensus Plan expeditiously in its public safety spectrum rulemaking, WT Docket No. 02-55.

The Consensus Plan offers the only real, near-term solution to existing public safety radio problems. The Plan provides a comprehensive solution that addresses

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interference to public safety systems, allocates additional spectrum for public safety needs, provides private funding to compensate licensees that may need to relocate to new channels as the result of the Plan, and ensures that all affected licensees receive equivalent replacement spectrum as part of the spectrum swaps called for by the Consensus Plan.

Other proposals that have been made to the FCC fall far short and must be rejected. The UTC/cellular "plan" ignores the problems faced by public safety communicators and suggests that case-by-case, after-the-fact solutions could be found once interference manifests itself. Responding only after-the-fact to the problems affecting time-critical public safety services is not acceptable, since a single interference incident can jeopardize the lives of emergency personnel and the citizens they serve.

Section 1 of the Communications Act of 1934, provides that the FCC is to "promot[e] safety of life and property through the use of wire and radio communication." The Consensus Plan would greatly advance this vital objective. It has been over sixteen months since the FCC began its public safety spectrum proceeding and over one year since the Consensus Plan was submitted. Supporters of the Consensus Plan have recently addressed the remaining implementation details associated with the Plan. There is no reason for the FCC to postpone action any further.

We urge the FCC to resolve the issues facing the public safety community expeditiously and adopt in full the terms of the Consensus Plan.

Very truly yours,



Dale M. Volker

Cc: Senator Charles Schumer
Senator Hillary Rodham Clinton